REMARKS

Applicant is in receipt of the Office Action mailed July 14, 2003. Claims 11 – 67 were pending in the present application. Claims 11, 34, 56, and 62 have been amended. Claims 11 – 67 remain pending in the application.

Double Patenting Rejection:

Claim 11 is provisional rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 17 of copending Application No. 09/714,050. Should this rejection become non-provisional, Applicant will consider filing a terminal disclaimer or present reasons traversing the rejection.

Section 102(e) Rejection:

The Office Action rejected claims 11, 12, 14, 20, 23, 25-27, 29, 31, 33-36, 40, 44, 46, 48, 50-52, 55, 56, 62, 63 and 67 under 35 U.S.C. § 102(e) as being anticipated by Wang (U.S. Patent 6,292,936). Applicants assert that pending claims 11, 12, 14, 20, 23, 25-27, 29, 31, 33-36, 40, 44, 46, 48, 50-52, 55, 56, 62, 63 and 67 are not anticipated by Wang for at least the following reasons.

Wang teaches a method for providing an interpreter-based scripting environment that includes multiple runtime processors executed in a server. (col. 1, lines 40 – 44) Specifically, Wang teaches a server system 106 executing a Web daemon 108 including one or more runtime processors, which may comprise a Java Virtual Machine 110 and a VisualBasic Script interpreter 112. The server system may further include one or more translators 114 that are operable to translate an original input source for the one or more runtime processors. (col. 2, lines 40 – 58) In one embodiment the translator 114 may translate the original input source into two intermediate sources, one for the Java Virtual Machine 110 and one for the VisualBasic Script interpreter 112. The translator may also translate every HTML block of the original source into a synchronizer token. Execution

flow may then move back and forth between the Java Virtual Machine 110 and the VisualBasic Script interpreter 112 according to said tokens. (col. 3, line 25 – col. 4, line 30)

Applicant can find no language in Wang that teaches or suggests "generating an intermediate representation of the one or more script language <u>instructions</u>, wherein in intermediate representation of the one or more script language instructions is <u>different from the script language</u>," as recited in Applicant's amended claim 11. Wang teaches a translator 114 translating the original VisualBasic Script source into a VisualBasic source for VisualBasic Script interpreter 112. (col. 3, line 25 – col. 4, line 30). The script instructions of the intermediate source used by the VisualBasic Script interpreter 112 in Wang are still represented in the original VisualBasic Script language. Wang only teaches separating the VisualBasic Script from the HTML file and adding synchronizing tokens. Wang does not generate a <u>representation of the script instructions themselves that is different from the original scripting language</u>.

Applicant can also find no language in Wang that teaches or suggests that the process that detects one or more script language instructions in a markup language document is a process implemented in a platform-independent programming language, as recited in Applicant's amended claim 11. The only platform-independent process described in Wang is Java Virtual Machine 110. However, detection of script instructions is performed by translator 114 which is not taught to be implemented in a platform-independent programming language.

Accordingly, claim 11, along with its dependent claims 12 – 25, are believed to patentably distinguish over the cited art for at least the reason given above. Similar arguments apply to independent claims 34 and 62, and are thus believed to patentably distinguish over the cited art for at least the reasons given above along with their respective dependent claims.

In regard to claim 26, Applicant can find no language in Wang which teaches or suggests "a Web browser implemented in a platform-independent programming language examining a current tag of a markup language document marking the beginning of a portion of the markup language document," or "if said examining determines the current tag of the markup language document identifies the portion of the markup language document as comprising script language instructions an interpreter engine implemented in the platform-independent programming language" as recited in Applicant's claim 26. The Examiner states that claim 26 corresponds to claim 11 and is thus rejected for the same reasons as claim 11. However, it is clear that the limitations of claim 26 are very different from the limitations of claim 11. Therefore, the Examiner's rejection of claim 26 is improper.

Furthermore, in regard to claims 26 and 48, Applicant notes that the functionality in Wang referred to by the Examiner is performed by a server. However, claims 26 and 48 refer to functionality of a Web browser. Although Wang does make brief mention of a Web browser, the browser in Wang has no involvement in the script functionality. Furthermore, neither the browser nor the script engine in Wang are implemented in a platform-independent programming language as recited in claims 26 and 48.

Accordingly, claims 26 and 48, along with respective dependent claims 27 – 33 and 49 – 55, are believed to patentably distinguish over the cited art for at least the respective reasons given above.

In regard to claim 56, Wang clearly does not teach "a Web browser executable within the Java Virtual Machine to detect one or more script language instructions in a markup language document; and pass execution to the interpreter engine in response to said detecting." The browser in Wang does not execute within a Java Virtual Machine. Nor does it detect one or more script language instructions in a markup language document; and pass execution to the interpreter engine in response to said detecting.

Section 103(a) Rejection:

The Office Action rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of "The Principles of Computer Hardware, Third Edition" by Alan Clements, 2000 (hereinafter "Clements"). Claims 15-17, 37-39, 57 and 64 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of "Load-Time Structural Reflection in Java" by Shigeru Chiba, June 2000 (hereinafter "Chiba"). Claims 18, 19, 24, 30, 32, 41-43, 47, 49, 54, 58, 59 and 65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang. Claims 21, 22, 45, 53, 60 and 66 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of "The IR to VMx86 Translation Module Specification" by Chris Lattner, Dec. 1999 (hereinafter "Lattner").

Applicant asserts that each of these claims are patentable for at least the reasons given above in regard to their respective independent claims. None of the additionally cited references overcomes the above-noted deficiencies of Wang in regard to Applicant's independent claims. Therefore, further elaboration on the dependent claims is not required at this time.
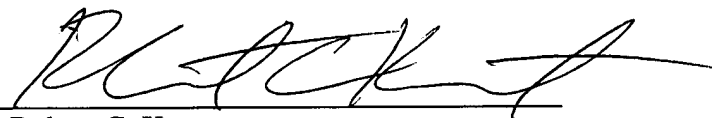
CONCLUSION

Applicant submits the application is in condition for allowance, and notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-60100/RCK.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☐ Notice of Change of Address

☐ Fee Authorization Form authorizing a deposit account debit in the amount of $_____

for fees (_____).

☐ Other:

Respectfully submitted,

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